

Jul 14, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CHARLES JOSEPH REEVIS,

Plaintiff,

v.

SPOKANE COUNTY SUPERIOR  
COURTS, US DEPARTMENT OF  
JUSTICE DIRECTOR FBI  
MISCONDUCT DIVISION, US  
DISTRICT COURT EASTERN  
WASHINGTON, SPOKANE  
COUNTY DETENTION  
SERVICES, and STATE OF  
WASHINGTON DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
BEHAVIORAL HEALTH  
ADMINISTRATION EASTERN  
STATE HOSPITAL,

Defendants.

NO: 2:21-CV-00056-RMP

ORDER DISMISSING ACTION

By Order filed May 18, 2021, the Court granted Plaintiff Charles Joseph  
Reevis thirty days to voluntarily dismiss this action. ECF No. 7. The Court found  
that Mr. Reevis's *pro se* submission, five two-page Standard Form 95 ("SF 95s"),  
filed while he was incarcerated at the Spokane County Corrections Center, did not

1 support a federal tort claim. *Id.* at 4–6. Consequently, Plaintiff’s claims were  
2 subject to dismissal for lack of subject matter jurisdiction. *See McNeil v. United*  
3 *States*, 508 U.S. 106, 110, 113 (1993).

4 Plaintiff is currently housed at Comprehensive Health Care - Yakima  
5 Competency Restoration, and is proceeding *in forma pauperis*, but without the  
6 obligation to pay the \$350.00 filing fee for this action. ECF No. 6. Plaintiff did  
7 not avail himself of the opportunity to voluntarily dismiss this action.

8 Accordingly, **IT IS ORDERED:**

- 9 **1.** This action is **DISMISSED** without prejudice for lack of subject matter  
10 jurisdiction.
- 11 **2.** Based on the Court’s reading of *Hoffmann v. Pulido*, 928 F.3d 1147,  
12 1152 (9th Cir. 2019), this dismissal will NOT count as a “strike” under  
13 28 U.S.C. § 1915(g).
- 14 **3.** This case is **DISMISSED** and **CLOSED**.
- 15 **4.** Judgment of dismissal without prejudice shall be entered for Defendants.

16 **IT IS SO ORDERED.** The District Court Clerk is **DIRECTED** to enter  
17 this Order, enter judgment, provide a copy to Plaintiff and **CLOSE** the file. The  
18 Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order  
19 would not be taken in good faith and would lack any arguable basis in law or fact.

20 **DATED** July 14, 2021.

s/ Rosanna Malouf Peterson  
ROSANNA MALOUF PETERSON  
United States District Judge